

MINUTES OF THE  
ARIZONA BOARD OF TECHNICAL REGISTRATION

May 13, 2008

9:30 AM

OPEN SESSION

1. CALL TO ORDER – The meeting of the Board of Technical Registration was called to order at 9:32 AM by Chairman Richard Pawelko.
2. ROLL CALL – Board Members in Attendance: Sheila Bowen, Dawn Garcia, Stuart Lane, Richard Pawelko, Chet Pearson, and Ronald Starling. Board member Susan Schaefer Kliman appeared telephonically for Agenda Item 5.C.1 only. Absent: Karen Cesare and Robert Roos. Board Staff: Ronald Dalrymple, LaVern Douglas, Kathryn Fuller, Lisa Lawhorn, Manuel Maltos, and Cassie Goodwin. Assistant Attorney General: Terrie Sanders.
3. CALL TO THE PUBLIC – No members of the public spoke.
4. ADOPTION OF MINUTES – Ms. Bowen moved to approve the April 22, 2008 minutes. Mr. Lane seconded. Motion Carried.
5. ENFORCEMENT MATTERS  
**Review, Consideration and Possible Vote on the following:**
  - A. Proposed Letters of Concern
    1. M08-020 Lloyd L. Eichelberger, R.L.S. #11845 – Referred back to Staff for further investigation.
  - B. Proposed Consent Agreements
    1. M08-053 Robbin F. Vendela, R.L.S. #43492 – Mr. Lane moved to accept Respondent's signed consent agreement encompassing the following Order: Letter of Reprimand; and Cost of Investigation: Respondent shall pay the cost of investigation in the amount of \$75.00. Mr. Starling seconded. After discussion, Motion Carried.
  - C. Discussion and Consideration:
    1. M06-153 Barbara Stocklin, Nonregistrant – Dr. Schaefer Kliman moved to dismiss the case as Respondent was working under the job description of the City of Phoenix. Mr. Pawelko seconded. Patricia Boland, Esq., Barbara Stocklin, Kevin Uliassi, Architect, and Mike Snitz addressed the Board.

Mr. Pawelko moved to have the Board go into Executive Session. Mr. Lane seconded. Motion Carried.

The Board went into Executive Session at 9:42 AM and returned to Open Session at 10:01 AM.

Mr. Pawelko withdrew the motion made prior to Executive Session.

Mr. Pawelko moved to issue Respondent and the City of Phoenix a Letter of Concern. Mr. Starling seconded. After discussion, Motion was withdrawn.

Mr. Starling moved to find the Respondent in violation of A.R.S. § 32-130 and instructed Staff to negotiate a consent agreement for disciplinary action in the form of a civil penalty. In the event a consent agreement is not reached, then the matter is to go for a formal hearing before an Administrative Law Judge. Mr. Pawelko seconded. A Roll Call Vote was taken and the Motion Carried. No: Garcia and Pearson. Yes: Bowen, Lane, Pawelko, Schafer Kliman, and Starling.

2. M08-005 Paragon Architects, LLC – Mr. Pawelko moved to issue the Firm a Letter of Reprimand for misrepresenting to the public the Firm's experience by advertising on its website by referencing projects completed by the principals while they were working at a previous firm. Mr. Lane seconded. After discussion, Motion Carried.

Staff was instructed to open an investigative file on the Firm's principals: Victor R. Bolduc, Architect # 22414 and Bruce C. Jones, Architect #42053.

#### 6. HOME INSPECTOR ENFORCEMENT MATTERS

##### **Review, Consideration and Possible Vote on the following:**

##### **A. Proposed Consent Agreements**

1. HI08-006 Larry D. McCrea, CHI #41324 (Certification expired August 31, 2006) – Mr. Lane moved to accept Respondent's signed consent agreement encompassing the following Order: Assurance of Discontinuance from the practice of home inspections; Civil Penalty: Respondent shall pay a civil penalty in the amount of \$6,000.00; and Cost of Investigation: Respondent shall pay the cost of investigation in the amount of \$100.00. Ms. Bowen seconded. After discussion, Motion Carried.

2. M06-229 Francis C. Scruggs, CHI #38610 – Mr. Lane moved to accept Respondent's signed consent agreement encompassing the following Order: Letter of Reprimand; Voluntary Surrender: Respondent shall voluntarily surrender his home inspector certification No. 38610; and Cost of Investigation: Respondent shall pay the cost of investigation in the amount of \$200.00. Ms. Garcia seconded. After discussion, Motion Carried.

3. M05-363 Barry C. Mahoney, CHI #40477 – Mr. Starling moved to accept Respondent's signed consent agreement encompassing the following Order: Letter of Reprimand; Voluntary Surrender: Respondent shall voluntarily surrender his home inspector certification No. 40477; and Cost of Investigation: Respondent shall pay the cost of investigation in the amount of \$230.00. Mr. Lane seconded. After discussion, Motion Carried.

**7. Review, Consideration and Possible Vote on the following:**

**EVALUATION OF APPLICATIONS FOR EXAMINATION AND/OR POSSIBLE GRANTING OF REGISTRATION OR CERTIFICATION**

1. Dale A. Cox, #031003 – Structural Engineer Application – Waiver of Fundamental Engineering Examination. Mr. Starling moved to deny Mr. Cox's request for a waiver of taking the Fundamental Engineering Examination but he may take the EIT Examination. Ms. Garcia seconded. Mr. Cox was present and addressed the Board. After discussion, Motion Carried.

2. Robert J. Allen, #080388 – Control Systems Application. Mr. Pearson moved to accept Mr. Alexander's application for examination. Ms. Bowen seconded. Motion Carried.

3. Rolando Garcia, #080126 – Engineer-in-training Application. This matter was tabled to obtain additional information from Mr. Garcia.

**8. Review, Consideration and Possible Vote on the following:**

**EVALUATION COMMITTEE AND STAFF RECOMMENDATIONS AND POSSIBLE GRANTING OF REGISTRATION OR CERTIFICATION (LIST AVAILABLE AT BOARD OFFICE)**

1. Granting of professional or in training registration
2. Approval to sit for the professional or in training examination

Mr. Lane moved to accept the committee and staff recommendations listed in items 8.1 through 8.2. Ms. Bowen seconded. Motion Carried.

**9. Review, Consideration and Possible Vote on the following:**

1. R4-30-212 and -214 – Architect-in-training Designation and Architect Registration

Mr. Starling moved to direct Staff to proceed with the process to effect changes necessary to the Rules to accommodate the National Council or Architects Registration Boards Individual Development Program. Mr. Pawelko seconded. After discussion, Motion Carried.

2. R4-30-301(12)(i) – Definitions – Good moral character and repute  
No action was taken on this matter.

**10. Review, Consideration and Possible Vote on the following:**

**1. Executive Director Recommendation of Renewal Fee and Application Fee Increases**

Mr. Dalrymple advised the Board has not exceeded the legislature's appropriation for Fiscal Year 2008; however, the revenues are not supporting the Board's operations. In the current economic environment all expenses related to daily operations of the Board are increasing and the revenue is not. Based on review of the Board's revenues and expenses he is recommending a fee increase as follows: in-training applications increase from \$30 to \$40; professional applications increase from \$90 to \$100; and all individual registrations and certifications be setup for a three-year renewal period and all renewals cost \$165. Home inspectors, who currently renewal annually will have certification for three years and pay \$165 instead of \$310.00. The Board will make an announcement and hold a public hearing to obtain input prior to making the final decision. The increase will likely go into effect at the beginning of the next fiscal year, July 1, 2008.

Mr. Lane moved to allow the Board to proceed with the fee increases as described above. Ms. Bowen seconded. After discussion, Motion Carried.

**11. DIRECTOR'S REPORT – Covered in Agenda Item 10.**

**12. BOARD CHAIR'S REPORT –** Messieurs Starling and Lane will be attending the Western Zone National Council of Examiners for Engineering and Surveying Conference in Bismarck, North Dakota and will report on this at the June meeting.

**13. FUTURE BOARD MEETINGS –** Tuesday, June 24, 2008 at 9:30 AM

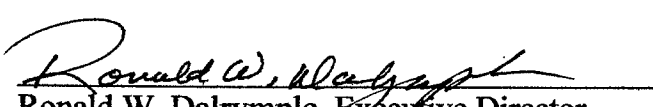
**14. FUTURE AGENDA ITEMS –** None given at this time.

**15. ADJOURNMENT –** Meeting adjourned at 12:04 PM.

**ARIZONA STATE BOARD OF TECHNICAL REGISTRATION**



Richard Y. Pawelko, Chairman



Ronald W. Dalrymple, Executive Director